

**REGULAR MEETING
of the
CITY OF RIALTO
CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES
December 21, 2004**

A regular meeting of the City Council/Redevelopment Agency of the City of Rialto was held in the City Council Chambers located at 150 South Palm Avenue, Rialto, California 92376, on Tuesday, December 21, 2004.

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This meeting was called by the presiding officer of the Rialto City Council in accordance with the provisions of **Government Code §54956** of the State of California.

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CALL TO ORDER

Mayor Vargas called the meeting to order at 4:03 p.m.

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The roll was called and the following were present: Mayor Vargas and Council Members, Robertson, Hanson, Scott and Sampson. Also present were City Administrator Garcia, City Attorney Owen and City Clerk McGee.

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CLOSED SESSION

1. Conference with Legal Counsel – existing litigation. The City Council will discuss the following pending litigation pursuant to Government Code Section 54956.9(a):
 - (a) City of Rialto v. United States Department of Defense, et. al.
(United States District Court Case No. EDVC 04-00079)
 - (b) Lorenzo Vigil v. City of Rialto
(San Bernardino Superior Court Case No. SCVSS119614)

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Motion by Council Member Robertson, second by Council Member Scott and carried by unanimous vote to go into Closed Session. City Council went into Closed Session at 4:05 p.m. and returned at 4:35 p.m.

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CALL TO ORDER

Mayor Vargas called the meeting to order at 6:05 p.m.

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The roll was called and the following were present: Mayor Vargas, Council Members Hanson, Robertson, Scott and Sampson. Also present were City Administrator Garcia, City Attorney Owen and City Clerk McGee.

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Pledge of Allegiance and Invocation

Mayor Grace Vargas led the pledge of allegiance. Council Member Joe Sampson gave the Invocation.

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CITY ATTORNEY'S REPORT ON CLOSED SESSION

City Attorney Owen stated that in Closed Session the City Council considered two items of pending litigation shown on the Closed Session portion of the agenda and conferred with its attorney and took no reportable action.

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PRESENTATIONS AND PROCLAMATIONS

Police Chief Michael Meyers presented Certificates of Appreciation to the individuals who have given a lot of time and resources towards helping to open the Rialto Police Activities League and Boys & Girls Club, which operates from 3:00 p.m. – 7:00 p.m. with plenty of things for them to do in a safe and clean environment.

Brad Working

Lt. Joe Cirilo

Ofc. OJ Becnel

Cpl. Gary Richard

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PRESENTATIONS AND PROCLAMATIONS

Charles Rangel, Young Homes presented a \$1000 check to the Rialto Boys & Girls Club/PAL Center. Young Homes made a \$1000 donation to the Jehue Middle School Band who will perform at the LA Clippers vs. NY Knicks game at the Staples Center on January 31, 2005, for the purchase of new uniforms. They made a \$1000 donation towards a skating rink at the Boys & Girls Club.

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CONSENT CALENDAR

A. WAIVE FULL READING OF ORDINANCES

1. Waive reading in full, all ordinances considered at this meeting.

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B. APPROVAL OF WARRANT RESOLUTIONS

1. Resolution No. 22 (12/03/04)

2. Resolution No. 23 (12/10/04)

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CONSENT CALENDAR

C. APPROVAL OF MINUTES

1. Regular RDA/City Council and Rialto Utility Authority Meeting – September 21, 2004
2. Regular RDA/City Council, Rialto Housing Authority and Rialto Utility Authority – October 5, 2004
3. Regular RDA/City Council and Rialto Utility Authority – November 2, 2004

D. MISCELLANEOUS

1. Request City Council to approve the expenditure of \$49,100 for the 210 Freeway Detour Signal Preemption; approve the Purchase Order with J&J Inc. for Opticom procurement and adopt **Resolution No. 5182** amending the City's 2005-2009 Capital Improvement Program (CIP).
2. Request City Council to approve and accept Deed No. 1718.
3. Request City Council to accept the public improvements built as a part of Tract No. 16424 for continued maintenance by the City of Rialto.
4. Request City Council to accept the public improvements built as a part of Tract No. 16517 for continued maintenance by the City of Rialto.
5. Request City Council to approve Parcel Map No. 16376 and accept the offer of a street dedication for Via Bello Drive.
6. Request City Council to approve Parcel Map No. 17176 and accept the offer of a street dedication for Tullock Road.
7. Request City Council to make findings of continuing the emergency for repairs to the Rialto Channel.

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Motion by Council Member Robertson, second by Council Member Scott and carried by unanimous vote to approve the Consent Calendar as presented.

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Robb Steel, Economic Development Director stated that they received a number of inquiries and would like to clarify exactly what the proposed Moratorium covers. In May 2004 the City Council reviewed the Phase I Airport Asset Strategy Plan. The conclusion of that report was that the City should consider two options for the future of the Airport. One was possible closure and relocation of the Aircraft functions to another facility, with the consequential redevelopment of the properties.

PUBLIC HEARING

TAB 1 – Ordinance No. 1366 to establish a Moratorium on development Applications along Sr-210 Freeway Corridor

Robb Steel, Economic Development Director stated that the second was a scaled back general aviation facility with maximum development of properties that would be deemed surplus. Under any of the two alternatives considered there would be significant amount of development on properties that are not deemed essential for airport operations. Why adopt a moratorium? Basically, the land use plan that has been established before the area was adopted in 1997. The Airport was a centerpiece of that plan and all the land use designations that surround the Airport were predicated on the fact that airplanes and helicopters would be taking off and landing. The predominant use out there is industrial and certain types of industrial that are compatible with an operating Airport. There are commercial designations along the freeway corridor and those under most scenarios are to remain. The City Council has initiated a process to re-evaluate the Airport's destiny, and coming up next month there will be a number of community forums. One with residents of Rialto and the other with Airport related people such as leaseholders and pilots. The idea is to receive as much input as possible to come back to the City Council and give some feel for what the community sees as a vision of that area. If the City Council decides to change the Airport status, their concern is the current land use plan may be rendered obsolete. The City Council may decide to pursue other land uses that aren't contemplated in existing land plans and if they allow development that is inconsistent with that, they have tied their hands. The purpose of the moratorium is to give them a little bit of time to decide the destiny of the Airport and then subsequently decide the destiny of the land that surrounds the Airport.

He stated that the City's legal authority derives from a section of the Government Code that gives them the opportunity to prohibit development applications for prescribed period of times. They are required by law to come back within 45 days and seek an extension if they want a longer period of time. The maximum period of time that they can have a moratorium on development applications is 24 months. They drew up a map that would make it clear for property owners as to whether their property would be affected. The southern boundary is Baseline Rd. and the eastern boundary is Ayala Ave., Alder Ave. generally on the west and at Walnut to the west and run along the ProLogis North project and picks up the undeveloped freeway frontage on the south and north side. They felt this area was an area that had a likely chance of some land use changes; if and when the City Council decides that the Airport would either be scaled back or redeveloped in its entirety.

PUBLIC HEARING

TAB 1 - Ordinance No. 1366 to establish a Moratorium on development Applications along Sr-210 Freeway Corridor

Robb Steel, Economic Development Director stated that the moratorium would be lifted when the Phase II strategies is complete and presented to City Council. Along with that, as the Redevelopment Agency, also have a working relationship with Lewis Investments to Master Plan the Airport area and they have been asked to look at both scenarios. At that same time they hope to present both conceptual plans, essentially land use plans and they won't be specific development plans. As they move ahead to that Spring date when they present Phase II, they are going to have more information as to what they think the expected land uses are going to be. The finding in some cases is going to be difficult to makes, such as if there is a property in the center of the area and north of the runways, where it's a key parcel, the determination on the Airport is going to be critical to decide what the highest and best use of that land is. Those are the types of properties they are going to struggle with and probably not going to be able to make that finding. Some properties that are at the periphery along Baseline Rd. for instance or north of the freeway along Casmalia, those properties if it's a good land use between the Planning Commission, The City Council and staff, they could probably consider administrative relief. If people need to pull permits for repair to their homes, those will not be restricted and this only applies to development applications that would result in new buildings and major new construction. Their goal is to prevent development which would be inconsistent with the City's future plans, community goals and the process being followed to try to establish those goals. Staff recommends adopting the interim Ordinance for 45 days, they would come back in February if they could make the findings to extend that to the 22 months and 15 days.

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Council Member Sampson stated that if by chance, and he presumes that they would like to proceed every avenue of this as quickly as they can, that after the 24 month period and a decision has not been made what does the law allow. Is it possible to restart the moratorium process?

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City Attorney Owen stated No, the law prohibits that. They would need to make their mind up on what the new zoning, general plan and other land use requirements are going to be within that two year period. It specifically prohibits extensions beyond the two year period and the United States Supreme Court has ruled that unreasonably long moratoriums can constitute takings under the U.S. Constitution.

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PUBLIC HEARING

TAB 1 – Ordinance No. 1366 to establish a Moratorium on development Applications along Sr-210 Freeway Corridor

Council Member Scott stated that they were given a letter that evening from Sea West Enterprises; apparently they have an intended project in that area. What would this moratorium do to the status of that project?

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Robb Steel, Economic Development Director stated that this property is in the moratorium area, just east of Alder Ave. and north of Walnut Ave. This is one of the ones that falls into that tough category that is north of the Airport runway and in a consistent block of property that is generally vacant and may be critical in terms of not compromising the future plans of the Airport. He would like to take a closer look at it, there may be an opportunity to grant this one an exception and they will have to look at each one on a case by case basis, but as a general rule they were looking at everything north of the Airport up to the freeway and east to Alder Ave. as being the critical properties.

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Council Member Scott stated that if this item should pass tonight will they be meeting with the owners of Sea West?

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Robb Steel, Economic Development Director stated that he will need to meet with Mike Story, Development Services Director and the applicant and look and see if they can make any of those findings to grant them administrative relief. Ultimately, the Planning Commission and City Council are given that authority, but staff will make the recommendation.

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Mayor Vargas declared the public hearing open.

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ORAL COMMUNICATIONS

Anthony Meresek, Real Estate Broker, one of the considerations that City Council should be aware of is that most of those people along the 210 Corridor have been beaten up the last 30 years by Caltrans, by not being clear on the uses and taking away portions of their property. There should have been more communication to the property owners regarding this moratorium.

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George Kaelin, Attorney representing a property owner who owns property north of the freeway at Casmalia and Linden. He did go through a Caltrans eminent domain action and now has property that is ripe for development and they would like to object to this moratorium.

PUBLIC HEARING

TAB 1 – Ordinance No. 1366 to establish a Moratorium on development Applications along Sr-210 Freeway Corridor

Attorney Kaelin stated that the area adopted is too broad and the property he is talking about had been rezoned in 1996. Any use that his client would use with his property would be consistent with a General Plan in which the Airport is not in existence, it would be a regional freeway commercial use. He does not believe that using the moratorium has a means of bringing forth an eminent domain action in the future is an inappropriate use of the moratorium.

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City Attorney Owen stated that this is the first he has heard of any connection between a moratorium and any eminent domain action. The moratorium's purpose is to allow sufficient time for the Airport Specific Plan to be reviewed.

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Council Member Sampson stated that at the time the Plan was done, the Airport was the center of the planning that took place at that time. One of things that is being thought of now is to have a different type of development in that location. It is not that they have done one look at it and did a Specific Plan and now they are coming up hurriedly with a new one. The reason they are doing a different one now is because they are not looking at it with the Airport as being the center of what is going on.

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Mayor Vargas asked if Attorney Kaelin was correct in stating that this moratorium would delay property owners from selling their property.

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City Administrator Garcia stated that as Mr. Steel suggested, they can be taken on a case by case basis. The property that was referred to is on the north end of the community. It was suggested that if it were in the center proper it would be much more difficult to do. This property in question is on the outskirts on the northern end of the specific area. He also reminded the City Council that there is no correlation between eminent domain and this action whatsoever.

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Council Member Robertson stated that people may be in a position to sell or develop, and does not believe this moratorium would preclude them from selling any property.

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City Attorney Owen stated that the moratorium on the submission of applications for development only.

PUBLIC HEARING

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TAB 1 – Ordinance No. 1366 to establish a Moratorium on development Applications along Sr-210 Freeway Corridor

Council Member Scott stated in regards to the 45 day period, is it unrealistic to think that they could come up with a plan within that period.

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Robb Steel, Economic Development Director stated that 45 days is unrealistic. He believes that within 6 months they will be at a decision point in which they may make a decision to extend because they have adopted a plan that is inconsistent with what exists today and they want to take the additional time to adopt a new Specific Plan Amendment, do the Environmental Impact Report process.

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Council Member Scott stated that he shares the concern the first speaker had, along the 210 Corridor, that a use came up that was consistent with plans of the City. There would be nothing that would stop that development from getting relief or going through as long as it was consistent with what the City wanted to do.

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Robb Steel, Economic Development Director stated that anyone can submit an application. If someone submits a viable proposal for commercial use there, such as an RV Dealership, they will find a way to make that exception. Its really an additional layer of discretionary review of the Planning Commission and City Council to make sure that what ever does get planned under the existing zoning is not going to be obviously incompatible with future redevelopment or revitalization of the Airport Area. It doesn't prevent them from submitting applications; some are going to be easier to make the findings than others. It's the ones they are not going to be able to make the findings that those property owners are going to be understandable aggrieved.

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Council Member Scott stated that on the issue of eminent domain, he didn't see anything on what he read that related the moratorium to eminent domain. He is personally not a person that is a proponent of eminent domain. In fact those in the community who remember his claim to fame, it was over the Hometown Buffet property this City wanted to take in eminent domain and they ended up working up a much more suitable situation. If they do the General Plan right and make the right decisions he thinks the private sector will be satisfied.

PUBLIC HEARING

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TAB 1 – Ordinance No. 1366 to establish a Moratorium on development Applications along Sr-210 Freeway Corridor

Robb Steel, Economic Development Director stated that he thinks the subject of eminent domain was raised because they had the Plan Amendment a couple of months ago and some of the same area was affected. He stated that there was circular that was distributed to the public that linked the two together and they are not. This is simply moratorium on development applications and the eminent domain Amendment was considered by the City Council two months ago.

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City Attorney Owen stated that for clarity the circular was distributed privately and not by the City.

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Robb Steel, Economic Development Director stated that this was the reason they received a lot of calls, people were misinformed as to whether their property was in or out. He would like to suggest, since this moratorium is only good for 45 days, to mail out specific notices to the 200+ property owners involved so they can participated the next time it comes around.

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Council Member Scott stated that he personally thinks this would be a good idea. His concern was that a moratorium would slow down some projects in that area. After meeting with Mr. Steel he is convinced this would not be the case.

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Robb Steel, Economic Development Director stated that they felt it was better to lay this out up front to future developers and to let the City get their planning process complete and then releasing it with a clear set of development standards and directions so they are not hindered.

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ORAL COMMUNICATIONS

Wayne Moran, property owner stated that it was stated at the last meeting they would make an effort to let the property owners know about things. Here again, he did not know anything about the meeting tonight. He thinks it would be good to let the property owners know what is going on. He is glad to hear they are going to be making a decision on the Airport, which was a big deal for him. He has talked to Mr. Steel personally because he was considering submitting some plans for the five acres he owns above the Airport. He did not want to spend all the money for the applications and have the moratorium shoot it down, he does appreciate that Mr. Steel shared this with him.

PUBLIC HEARING

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TAB 1 – Ordinance No. 1366 to establish a Moratorium on development Applications along Sr-210 Freeway Corridor

Mark Lowell of Sea West Development & Construction Representative, they purchased land on Alder and came in with a preliminary plan to talk with the City. Originally everything was ok, they met all the requirements for the area and he just found out that a public hearing was set for tonight which threw a wrench in their plan. He does want to keep the communication open so they can develop this piece of property.

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Council Member Sampson stated that the moratorium is something they are using as a tool to assure that they have some continuity in the type of construction and development that takes place in the area. From a general point of view he is not a person generally who favors moratoriums, because of the fact that after the period lapses often times they develop a reputation as being a City that is not allowing development.

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Mayor Vargas stated that this will benefit everyone, because the freeway will be completed soon and this is their only chance for them to make sure they do the right thing.

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Motion by Council Member Sampson, second by Council Member Scott and carried by unanimous vote to close the public hearing.

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Mayor Vargas read the title of the Ordinance:

ORDINANCE NO. 1366

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, ESTABLISHING A MORATORIUM ON DEVELOPMENT APPLICATIONS LOCATED ALONG THE SR-210 FREEWAY CORRIDOR AND WITHIN A PORTION OF THE RIALTO AIRPORT AREA SPECIFIC PLAN AND DECLARING THE URGENCY THEREOF

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Motion by Council Member Sampson, second by Council Member Scott and carried by unanimous vote to adopt Urgency Ordinance No. 1366. The vote was: AYES: Mayor Vargas, Council Members: Robertson, Hanson, Scott and Sampson. NOES: none. ABSTAIN: none. ABSENT: none.

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PUBLIC HEARING

TAB 2 – Ordinance No. 1367 – Zone Change 312

Mike Story, Development Services Director stated in the October 2004 the Planning Commission held a the required public hearing for zone change 312 and has forwarded its recommendation to the City Council for consideration. The property owner filed the zone change application to change the existing zoning designation of R-1A (Single Family Residential) to R-3 (Multi Family Residential) in order to facilitate the development of a 31 unit apartment complex on two parcels located on the east and west sides of Palm Avenue just south of Walnut. The proposed project will require approval of a street vacation to vacate that portion of right-of-way for Palm Avenue. Then a lot adjustment which would merge the two existing parcels into one. Also, a Conditional Development permit to construct more than five units. Finally, a precise plan of design to be reviewed by the Development Review Committee for their architectural standards of the R-3 zone and the interim design guidelines adopted. The subject parcels are presently vacant and undeveloped. The site is zoned R-1A and designated in the City's General Plan for high density residential. The General Plan designation has been in effect since 1967 and has been reviewed and approved and has remained high-density residential at the last General Plan update in 1992. The properties adjacent to the subject site on the north and south are either developed with high-density residential or proposed for such. Staff feels that the proposed zone change from single family residential to the multi family residential designation will merely complete the established planned land use pattern for that area and if approved will implement that land use portion of the General Plan. The Planning Commission has reviewed the initial study regarding this to prepare for the zone change and they have determined that the proposal will not have a significant adverse affect on the environment and has included the Negative Declaration.

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Mayor Vargas stated that she is against additional apartments; is there any reason why they can't build single family residential.

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Mike Story, Development Services Director stated to establish with the pattern of the area with the apartments that are either approved or are already existing there, plus with the R-3 standards they have now. Lately, they have seen some R-3 but in 2001 they really substantially upgraded their R-3 standards there for this. They felt it would complete this pattern there because it's nestled in there around apartments and that it would not be compatible for single family type of development.

PUBLIC HEARING

**TAB 2 – Ordinance No. 1367 – Zone
Change 312**

Mike Story, Development Services Director stated that rather than have two multi-family on both sides of Palm Avenue. They have worked with the property owner to propose the vacation of that street and make it one development.

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Mayor Vargas declared the public hearing open. No one came forward.

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Motion by Council Member Robertson, second by Council Member Scott and carried by unanimous vote to close the public hearing.

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Mayor Vargas read the title of the Ordinance:

ORDINANCE NO. 1367

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF RIALTO, CALIFORNIA APPROVING CHANGE OF
ZONE NO. 312 AND ADOPTING A NEGATIVE
DECLARATION**

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Motion by Council Member Robertson, second by Council Member Scott and carried by unanimous vote to waive the first reading and pass to second reading of proposed Ordinance No. 1367 to approve Zone Change 312 and adopt a Negative Declaration. The vote was: AYES: Mayor Vargas, Council Member: Robertson, Hanson, Scott and Sampson. NOES: none. ABSTAIN: none. ABSENT: none.

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**TAB 3 – Ordinance No. 1368 – Zone
Change No. 313**

Mike Story, Development Services Director stated that this project is an area that consists of approximately six lots. The site is located between Spruce and Idyllwild Avenues, south of San Bernardino Avenue. The applicant has filed a request to change the General Plan designation from community commercial to medium density residential and also a zone change to change the zoning designation from neighborhood commercial (C-1) to single family residential (R-1C). If the General Plan Amendment and Zone Change are approved the applicant will be required to submit a tentative tract map that will need to go before the Planning Commission and also a precise plan designed for the development of any single family homes on lots in that area. The applicant requested this General Plan Amendment and Zone Change to facilitate the development of this site which has remained undeveloped under the current land use designation.

PUBLIC HEARING

TAB 3 – Ordinance No. 1368 – Zone Change No. 313

Mike Story, Development Services Director stated that the proposed General Plan Amendment of the zone change is consistent with existing single family residential development to the south and east. The proposed amendment and zone change also will be compatible with land uses to the north, specifically the Retail Clerks Union and Bloomington Christian School. The fact that this site has remained vacant for every since they established a zoning code there suggests that the use designation for the site is not favorable for commercial development, because of proximity being located off a major arterial. Changing the use designation will be beneficial to the area and feel it will promote development of the site that other wise may remain vacant. In addition the size and location of the site is unsuitable for a retail commercial development. They haven't had a lot of interest for commercial development on that site, which is the reason for amendment. The Planning Commission held a public hearing for General Plan Amendment No. 15 and Zone Change No. 313 and at that time no verbal or written opposition was received and upon consideration of an oral and written testimony by staff, the Commission voted to forward this recommendation of approval for the General Plan Amendment Zone Change. The Planning Commission also reviewed the initial study that was prepared on both the General Plan and Zone Change and they determined that the project would not have a significant adverse effect on the environment and recommends that a Negative Declaration be approved.

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Mayor Vargas declared the public hearing open.

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Bill Lethrop, President of the Retail Clerks Union Office, asked if there would be single family residences built on that property.

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Mayor Vargas stated yes, this is correct.

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Motion by Council Member Hanson, second by Council Member Robertson and carried by unanimous vote to close the public hearing.

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PUBLIC HEARING

**TAB 3 – Ordinance No. 1368 – Zone
Change No. 313**

Mayor Vargas read the title of the Ordinance:

ORDINANCE NO. 1368

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF RIALTO, CALIFORNIA APPROVING CHANGE OF
ZONE NO. 313 AND ADOPTING A NEGATIVE
DECLARATION**

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Motion by Council Member Scott, second by Council Member Robertson and carried by unanimous vote to approve General Plan Amendment No. 15 and Zone Change 313; adopt **Resolution No. 5183** approving General Plan Amendment No. 15 to the City of Rialto 1992 General Plan Update amending the land use policy map from community commercial to medium density residential and adopting a negative declaration; and waive the first reading and pass to second reading proposed **Ordinance No. 1368** approving change to Zone No. 313 and adopting a Negative Declaration. The vote was: AYES: Mayor Vargas, Council Members Hanson, Robertson, Scott and Sampson. NOES: none. ABSTAIN: none. ABSENT: none.

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**TAB 4 – 2004 Analysis of
Impediments to Fair Housing Choice**

Larry Thornburg, Recreation & Community Services Director, stated that the Rudy Munoz, the CDBG Consultant is preparing the Community Development Block Grant Five Year Consolidated Plan. As part of that process they will be submitting an Analysis of Impediments to Fair Housing Choice. At the November 16th Meeting, Mr. Hoffman talked about the Analysis of Impediment and they did have a public meeting to receive input. That document had previously been reviewed by the Human Relations Commission and Mr. Hoffman has been working with the Redevelopment Agency and Development Services staff and this document has been available for public review.

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Mr. Mark Hoffman of Cotton Bridges Associates stated that the City is promoting fair housing as part of requirements for receipt of Federal funds in the Community Development Block Grants. They have completed the Analysis of Impediments to Fair Housing. Fair Housing is simply a condition in which individuals and families of similar income levels in the same housing market have a like range of housing choices available to them regardless of protected status. An Impediment to Fair Housing, which is the focus of their study, is in the actions, omissions, or decisions which are taken because of protected status.

PUBLIC HEARING

TAB 4 – 2004 Analysis of Impediments to Fair Housing Choice

Mr. Hoffman stated that this either restricts housing choices or the availability of housing choices or it has an indirect impact on restricting housing choices. This protection covers the financing, offering for sale, rental and occupancy of housing in Rialto. The Scope of Analysis has community profile where it talks about the City and where they are today. It includes an evaluation of the City's current fair housing services. It reviews potential impediments to fair housing, which are public policies and practices that might impede fair housing. They also examine the current public and private fair housing programs and activities and conclude with some recommendations. During the public review process they met with the Human Relations Commission and met with the fair housing service providers and they conducted a public hearing on November 16th. They have seven recommendations; they believe will further fair housing opportunity to citizens in Rialto. The first recommendation is to amend the zoning ordinance to conditionally allow emergency shelter and transitional housing in the industrial park zone as indicated by the housing element. In 2001 they completed the City's Housing Element and as part of the certification process for the State of California, a commitment was made to include an area in the City for emergency shelter and transitional housing could be permitted. The City does not need to build it, but it means they will need to amend the zoning code to have it be an allowed use. The City's Housing Element cycle will be concluding in about one year and this will be a key issue that will need to be dealt with in the next Housing Element cycle. The second issue is to consider developing a reasonable accommodation ordinance that avoids the costs and time of a minor variance to accommodate people with a disability. If a person wants to come and build a ramp on their house, currently there is an administrative process with a minor variance that costs about \$1400. It's suggested that they should formalize the process and make it more administrative and possibly waive the fee to allow a person to make modifications for their home to accommodate the disability. The third recommendation is regarding transit and what they did in their study is that they mapped out all the transit lines in the City in relation to the residential areas, community facilities and public services; to see if any areas are under served or potentially under served. There is only one route that runs north/south through Rialto, which is Omnitrans Bus Route 22. A person will have to take a bus line 4 miles east or west to go north/south. Route 29 along Cedar Ave. can be extended north to the Rialto Airport. A lot of development is occurring at Highway 30 and it's not currently served by a transit line. As Omnitrans prepares their three year improvement plan, it's recommended to lobby them to include routes in those areas.

PUBLIC HEARING

TAB 4 – 2004 Analysis of Impediments to Fair Housing Choice

Mr. Hoffman stated that in regards to the fourth recommendation, in conjunction with Inland Fair Housing & Mediation Board expand the homebuyer workshops in Rialto and the County, specifically marketing to African Americans. They looked at the lending patterns for all the different race and ethnic groups in the City. They consistently found that African Americans has lower loan approval rates whether it was home purchase or refinancing. Recommendation five, currently the fair housing provider conducts a number of different workshops throughout the City and regional on fair housing. They looked at the different levels of discrimination complaints in the City and all the hate crimes that have occurred over the last five years, most are related to race and ethnicity. They felt that the fair housing service provider to focus in that area and have the Human Relations Commission work with the fair housing provide to focus specifically on improving race and ethnic relationships. Recommendation six, as part of the City's citizen participation plan and consolidated plan, there is a certain prescribed method of how many public hearings, the body where the public hearings are held and how that moves through the process. The Human Relations Commission was established in 1999, to deal with race, ethnicity and other types of relationships with people in the community. They should be considered as the formal forum to solicit input on both the Consolidated Plan and the Analysis of Impediments. Recommendation seven, they examined the fair housing contract the City currently has with Inland Fair Housing, but they did find that the contract language was rather general in nature. HUD is requiring that cities include more performance measurement and specific outcomes with respect to fair housing. Given that movement the contract should be amended to have more specificity to have measurable outcomes. The Analysis of Impediments on Fair Housing and the Consolidated Plan will be on file and is not required to be submitted to the Federal Government but should be available if they come around and do ask if it's available to the public and HUD staff upon request.

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Council Member Robertson stated that Mr. Hoffman made reference to the Housing Element and the commitment made to do transitional and emergency housing in the industrial park area. In light of the current restructuring of the regional housing needs assessment along with the components of what will be in the Housing Element, how do they feel that this is still going to be possibly a commitment or a consistent request that HCD (State Housing and Community Development) will look to see if the City carries out in the future.

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PUBLIC HEARING

TAB 4 – 2004 Analysis of Impediments to Fair Housing Choice

Mr. Hoffman stated that the regional housing needs numbers deals with housing production, which is one separate issue that is going to work itself out in the next year. The requirement for emergency shelters is independent of those regional numbers. It's a requirement that HCD is now requiring that all cities regardless of what the regional housing numbers are. They are simply basing it upon State Law and their interpretations that each city has to accommodate a share of the regions need for special needs housing. Most of the cities they work with when they are working on the Housing Element, if they don't have that change made in their Housing Element it will not be certified by HCD. This does not commit the City to build a facility, but what it says is that there is a zone where it could be allowed should there be sufficient demand, such as a non-profit that's wants to build a facility.

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Council Member Sampson asked if at one point in time it's indicated that yes, emergency shelter can be built in that location but just through progression all the land in that area is used up, what is the alternative?

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Mr. Hoffman stated that the way the Statute reads is that there needs to be an available site with suitable development standards and zoning in place that would allow the construction of such a facility. In most communities, they do have land available. There are some instances where in some cities they are completely built out and it's absolutely physically impossible to build shelter. What should be done is to still allow it within that area. However, for example it's in an industrial area and they need homeless shelters they could convert existing buildings.

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Mayor Vargas declared the public hearing open. No one came forward.

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Motion by Council Member Sampson, second by Council Member Scott and carried by unanimous vote to close the public hearing.

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Motion by Council Member Sampson, second by Council Member Hanson and carried by unanimous vote to approve the 2004 Analysis of Impediments to Fair Housing Choice.

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PUBLIC HEARING

TAB 5 – Creation of a new Landscaping & Lighting District

City Attorney Owen stated that this item is to conduct a public hearing and consideration of the final Resolutions declaring the results of an election and if there is adequate approval from the voters to approve Landscape & Lighting District No. 2. This Landscape and Lighting District is being proposed as an alternative for future developments to join because it will contain an inflator. The existing Landscaping and Lighting Districts of the City do not have one and therefore every year the City spends more than it takes in from those Districts to pay for the landscaping that is necessary because of inflationary costs alone. Unfortunately, although notice was provided to every property owner that would be affected by this Landscape District, it was not published as required by law. Therefore, since that is required, he would recommend that they open the public hearing and then continue it until the second meeting in January 18, 2005. This will allow staff to publish the required 10 day notice.

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Mayor Vargas declared the public hearing open. No one came forward.

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Motion by Council Member Sampson, second by Council Member Hanson and carried by unanimous vote to continue the public hearing until the January 18, 2005 City Council Meeting.

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NEW BUSINESS

TAB 6 – PSA Amendment No. 4 – Caltrop Engineering Corp.

Assistant City Administrator Warner stated that this is a proposal to extend an existing contract they currently have with Caltrop Engineering. They have been providing on an interim basis services to the City for both the City Engineer's position as well as some very specific project engineering. Having to do with Capital projects the City is undertaking. He is happy to report, although he asking for an extension of this contract for a period of January through June, the portion regarding the Acting City Engineer's position will not be as necessary following January 10th because they have been successful in hiring a new City Engineer. The second portions of the contract with Caltrop Engineering is providing project management services on very specific projects and are funded by those project budgets. There were some questions brought up and staff has no problem continuing this item until the January 4th meeting.

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Council Member Sampson stated that when it comes back on January 4th and since they will be hiring a new City Engineer, then the figures will be different than what they see now.

NEW BUSINESS

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TAB 6 – PSA Amendment No. 4 – Caltrop Engineering Corp.

Assistant City Administrator Warner stated that yes, at that point it probably would be different. They are on a tight time schedule for staff reports but they will try to amend the staff to take out the Acting City Engineer portion.

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Council Member Robertson asked if they are moving this item for amending the information and bringing it back on January 4th. Is there any other issue with this that needs to be addressed or was it just the figures.

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Council Member Sampson stated that there is some clarification with staff that he intends to pursue.

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Council Member Robertson stated that the reason she raised it was because from what she understands they are asking to carry the Consultant forward to continue to work on a number of projects they have, some time sensitive and they need to forward.

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Council Member Hanson asked if waiting until the January 4th City Council Meeting jeopardize any of the projects.

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Assistant City Administrator Warner stated that no, until January 4th they are fine. The Consultant being off for the holidays was planned. They do have funds available to take this through the calendar year as long as they have action on January 4th.

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Motion by Council Member Scott, second by Council Member Sampson and carried by unanimous vote to bring this item to the next City Council Meeting on January 4, 2005.

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PUBLIC HEARING

TAB 7 – Repair and Renovation of the Wastewater Treatment Plant

Assistant City Administrator Warner stated that during the agreement formulation with US Filter which is now Veolia Water, they anticipated a capital improvement program that would be a combination of Veolia Water being actively involved with the operators as well as a portion of these projects being completely separate and bid out on the open market irrespective of who the operator is.

NEW BUSINESS

TAB 7 – Repair and Renovation of the Wastewater Treatment Plant

Assistant City Administrator Warner stated that this is the First Phase of the \$1.2 million worth of projects that are in the CIP. In this case, these are very specific ones that they are recommending to the City Council be approved as sole source. The reason for this is because they were put in place as part of the treatment plant expansion that was done. The particular manufacturers that created them and put them in place are the ones the City needs to come in and have the repairs done. They are recommending allowing Veolia Water under the existing contract and on the City's behalf to have Ashbrook do the repairs to the belt filter press #2 in the amount of \$103,395. In addition to this recommendation this report is also making the City Council aware under the existing contact they have with Veolia that there is another category of projects that are listed on attachment 1 totaling approximately \$373,000, which they will be working directly with Veolia Water. Veolia Engineers will be writing the specifications and involved in the bid process. The rest of the \$1.2 million in capital projects approximately \$750,000 will be projects that will be completely separate. The specifications will be written and bid separately.

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Motion by Council Member Sampson, second by Council Member Scott and carried by unanimous vote to approve Veolia Water North America the sole sourcing procurement of the equipment repair and renovation of the Wastewater Treatment Plant in the amount of \$103,395.

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TAB 8 – Amended Cooperative Agreement with the County of San Bernardino for Traffic Signal Construction

Assistant City Administrator Warner stated that this is the Cooperative Agreement that they are recommending with the County of San Bernardino for the Traffic Signal Construction on Riverside Avenue and Knollwood Ave. They do have a grant in place for this and they have been working with the County of San Bernardino to work out an agreement for the balance of the project for construction and maintenance. This allows for the splitting of the costs between the County and the City after they consider the grant dollars of \$102,000. The entire project is \$230,000. The cost to the City and the County will be \$63,520 each. The Safe Routes to School Grant they got cooperatively with Rialto Unified School District will pay the balance of \$102,960. In addition the Cooperative Agreement also calls for the equal split of the maintenance costs for this signal.

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Council Member Hanson stated that she is glad to see this on the Agenda. This signal is in front of Trapp Elementary School was very much needed.

NEW BUSINESS

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TAB 8 – Amended Cooperative Agreement with the County of San Bernardino for Traffic Signal Construction

Motion by Council Member Hanson, second by Council Member Robertson and carried by unanimous vote to approve the Amended Cooperative Agreement with the County of San Bernardino for Traffic Signal Construction at Riverside Avenue and Knollwood Avenue.

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TAB 9 – Resolution No. 5184 Certifying the FEIR – EnerTech Environmental Facility

Mike Story, Development Services Director stated that this item is to certify the Final Environmental Impact report in compliance with CEQA and City Environmental Guidelines and adoption of the Mitigation Monitoring and reporting Program for the proposed EnerTech Environmental regional Biosolids Processing Facility. The site is located in the Agua Mansa Industrial Corridor Specific Plan and zoned heavy industrial. The specific site that was selected for the facility is located on 1.3 acres of land was partially used by the City for a landfill operation. One of the Mitigation Measures of the EIR requires any remedial action due to the prior use of the landfill will be completed prior to the issuance of building permits for the project. The balance of the 6 acre site to be used for accessory uses related to the operation. The project has a design capacity to process 125 dry tons of biosolids per day. The facility would utilize those biosolids generated at the Treatment Plant plus additional biosolids that will be delivered to the site from other treatment plants. The end product is called e-fuel and will be shipped to high energy users such as cement plants. The operation will include the construction in the site plan of a road to facilitate trucks entering and exiting the site. EnerTech estimates that the facility would employ approximately 20 employees full-time. On October 26th the Planning Commission conducted the required public hearing to consider the adequacy of that EIR and to consider the approval of a Conditional Development Permit for the operation of the biosolids facility. On December 15th the Transportation Commission reviewed and accepted the study prepared for the proposed project. Upon City Council certification the project will need final site approval by their Development Review Committee prior to the issuance of the building permits. It's the recommendation therefore of the Planning Commission and staff that the City Council adopt the attached Resolution certifying the Final EIR having been completed in compliance with CEQA and City Environmental Guidelines.

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NEW BUSINESS

**TAB 9 - Resolution No. 5184
Certifying the FEIR - EnerTech
Environmental Facility**

Council Member Sampson stated that in regards to the letter that was sent by the Department of Toxic Substance Control, he did not see anything in the report that indicated that the response was adequate.

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Freddie Olmos of Chambers Group stated that he called the Dept. of Toxic Substance Control and the responses to their questions are within the Final EIR which is required under CEQA.

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Council Member Robertson stated that still the essence of their comments, was there some concerns they expressed or did they just make some kind of acknowledgment.

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Mr. Olmos stated that to respond to their comments they added three additional mitigation measures in case they needed to have any more remedial action to happen at the site when the site is purchased.

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Council Member Robertson stated that Mr. Story indicated that it went before the Transportation Commission and they would update the City Council with regards to their discussion or comments.

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Mike Story, Development Services Director stated that the Transportation concurred with what was identified. The key issue was that they were looking at was the daily trips and the maximum capacity that could be operational.

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Council Member Scott stated that based upon the tonage, they would be looking at five to six trucks a day? Are they required to have a South Coast Air Quality Permit on this facility?

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Mr. Olmos stated there will be 25 delivery trucks going in and five to six delivery trucks leaving with the fuel a day.

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Kevin Bolin of EnerTech stated that they have filed the permits with South Coast Air Quality Management District. They received a letter stating that their permits were complete and that their air permits would be issued upon completion of the EIR.

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NEW BUSINESS

**TAB 9 – Resolution No. 5184
Certifying the FEIR – EnerTech
Environmental Facility**

Council Member Scott stated that based on what this material is, he is assuming that they have assured City staff that there won't be any increase in odor in the area and that it would be contained.

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Freddie Olmos of Chambers Group stated that the material to be used is basically sludge. The only odor that will come from it is an existing odor that is there now. He stated that this was part of the EIR.

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Council Member Scott stated for example this facility starts operation and they receive numerous complaints from the community regarding an increase in odor as a result of a substantial increase of sludge at that facility, is there mechanism to deal with that.

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Mike Story, Development Services Director stated that the Mitigation Monitoring Program is established in the EIR which outlines the guidelines they have to follow. After the analysis that was done says that even with more coming in it's not going to impact it. If something comes up along the way with residents or operators, they will address it internally with EnerTech and the Consultant.

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Motion by Council Member Robertson, second by Council Member Sampson and carried by unanimous vote to adopt **Resolution No. 5184** certifying the Final Environmental Impact Report as having been completed in compliance with CEQA and City Environmental guidelines and adoption of the Mitigation Monitoring and Reporting Program for the proposed EnerTech Environmental Regional Biosolids Processing Facility.

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**TAB 10 – Resolution No. 5185 –
Amendment to the 2004-2009 Capital
Improvement Program, Amendment
to the 2003-2008 Measure I Five-Year
Capital Improvement Plan**

Assistant City Administrator Warner stated that Measure I since it was adopted in 1989 requires that the City not only have a 20 Year Plan but an updated Five Year Plan of the amount and use of the their Measure I dollars. When they approved the Capital Improvement Program in September, they did this based on the most recent estimates they have been given by SANBAG. Since that time they have been given a new set of estimates and so they are required to update their Five Year Plan.

NEW BUSINESS

TAB 10 – Resolution No. 5185 – Amendment to the 2004-2009 Capital Improvement Program, Amendment to the 2003-2008 Measure I Five-Year Capital Improvement Plan

Assistant City Administrator Warner stated that what this means is that they have throughout the various project categories they have allocated approximately \$90,000 more per year which is approximately \$500,000 over the Five Year period. The Resolution if approved by City Council will then be sent to SANBAG and it meets their requirements to file for audit requirements for Measure I.

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Council Member Hanson, second by Council Member Robertson and carried by unanimous vote to adopt **Resolution No. 5185** approving Amendment to the 2004-2009 Capital Improvement Program, Amendment to the 2003-2008 Measure I Five-Year Capital Improvement Plan, and the 2003-2008 Measure I Five-Year Capital Improvement Plan Expenditure Strategy for Measure I Funds.

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ORAL COMMUNICATIONS

Judy Roberts, 2536 W. Loma Vista Dr., stated that on behalf of the Adopt-A-Neighborhood Partnership of Rialto would like to thank Rialto Rite-Aid Store #5702 (Store Manager Judy Singh) and Rite-Aid Store #5703 (Store Manager Betsy Watson) for all their hard work and donations to their Tree of Giving. The Tree of Giving was displayed in each of the Rite-Aid stores which was a collaborative effort to bring joy and the spirit of Christmas to some of the children in the City of Rialto. All of the toys that were collected through this project Tree were given to the Rialto Child Assistance Program.

Judy Roberts stated that the Police Volunteers assist police officers with patrolling the City by observing and reporting, writing 180's – a Highway Patrol form that's required to write when they tow a car or when there is an accident, this frees up the police officer to go back on patrol. They have assisted with DUI check points, traffic safety programs and traffic control at community events and help with crime sweeps by assisting with booking of detainees and feeding the Police personnel. They assist in various community projects with the schools or the City. They do child care if parents are detained or arrested. The total number of volunteer hours since January 2004 is approximately 3900 hours, 1140 in patrol, 45 hours in traffic division 729 in neighborhood watch, 96 hours in crime sweeps, 825 hours in community events, 144 hours in coffee with a Police Volunteer, 140 in station tours, 58 hours in child care, 22 hours in witness security, 339 in emergency call outs, 240 in code enforcement and 136 in jail operations.

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ORAL COMMUNICATIONS

Chi Tang, resident stated that she was there for the Consent Calendar but did not understand what had passed, if someone can explain the process to her.

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Council Member Sampson stated that the Consent Calendar are routine items and may all be adopted by one motion unless someone has a question and ask to have one of the items to be taken off. When the Mayor presents it to the rest of the City Council and she says *"What is your pleasure in regards to the Consent Calendar"* A Council Member will then say *"I move to approve the Consent Calendar as presented"* and another Council Member will second and this is the end of approving the Consent Calendar.

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REPORTS

Council Member Hanson stated that she has attended many open houses and mixers.

Council Member Hanson stated that they appreciate the Police volunteers very much.

Council Member Hanson stated that she has been part of Rialto Child Assistance distribution of toys, which was a joy.

Council Member Hanson stated that she has been presented by some of the citizens a special gift for the City Council, a "Shrek" as official City Council mascot.

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Council Member Sampson thanked the Executive Staff and employees for a very good year and look forward to 2005 being more prosperous and successful. One of the things he has noticed is that departments have become less parochial meaning they are working better together as a team. Since these are the holidays this means additional work for the Police and Fire Service. Let us not forget the real reason they celebrate Christmas. We would like to wish a Merry Christmas to the Rialto citizens and may everyone have a safe, happy, joyous and prosperous New Year.

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Council Member Scott wished all the employees of the City and the citizens a Merry Christmas.

Council Member Scott stated that he has been getting tremendous amount of calls and e-mails regarding code enforcement issues in the City. He has been passing these along to City Administrator Garcia and wants to commend him for taking care of those issues.

REPORTS

Council Member Scott stated that he is pleased to see some improvement in the City and thinks they are on the right tract dealing with issues of truck parking.

Council Member Scott stated that he also looks forward to a prosperous 2005 and thinks it will be good year for Rialto.

Council Member Scott wished his fellow Council Members, City Administrator Garcia and City Clerk McGee a Merry Christmas.

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Council Member Robertson stated in this last Election when they dealt with the Measure I initiative that was so important addressing transportation and recognizing that they really need to step up to the plate and make a commitment for supporting the continued funds and extending Measure I. She doesn't know if a lot of people know that Rialto was the highest vote participant in terms of supporting and passing that initiative. She applauds the citizens of Rialto for recognizing the importance of what transportation means not only to the community but to the region.

Council Member Robertson stated that the Holiday Parade is getting better with a lot of participation and she applauds the Recreation staff.

Council Member Robertson stated that she had an idea to create a portable ice skating rink in the community for the holidays. They may not be able to make it happen this year but she wanted to thank the Recreation Dept., Public Works Dept. and Development Services for the effort. They were able to raise \$17,000 and there is an agreement that the commitment will carry forward for next year.

Council Member Robertson wished everyone a wonderful and happy holiday and a prosperous new year.

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Mayor Vargas apologized for not attending every event because there were so many.

Mayor Vargas stated that she went to look at the bridge at Riverside and Highland Avenues for the new freeway, which is coming along good.

Mayor Vargas wished everyone a Merry Christmas and Happy New Year. She thanked staff for all their hard work this past year.

Mayor Vargas stated that she is very proud of the Boys & Girls Club/PAL Center to know they were going to give out Christmas gifts to some needy families in Rialto.

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City Administrator Report

City Administrator Garcia stated that he would like to respond to the request by Council Member Scott regarding what is occurring around Carter High School. They are working with the County of San Bernardino along with the School District in a Cooperative Partnership and recently the City has approved approximately \$48,000 for this project. The School District is committing an additional \$15,000. They will be doing some striping improvements on Bohnert, Locust, Maple Persimmon and Cactus Avenues. There will be some striping and sidewalk improvement on Linden Ave. this is a temporary solution to what is a half of a million dollar issue for the City. In order to address the additional half a million dollars in curb gutters and sidewalks, Raymond Lee, Traffic Engineer, is applying through SANBAG for Article 3 money. They will also be working cooperatively with the School District on the new Safe Routes to School Program. They are going to rethink some of the CIP to try to accomplish the overall goal which is to make safer improvements and safer sidewalks for students to move back and forth to school. Hopefully this will address the immediate issues that are occurring. He stated that its his understanding there have been some concern along Rosewood Ave. on the street closure due to the recent floods that have washed out that particular street. They have a couple of solutions, one to make that road immediately open using \$70,000 of City money which would create a temporary solution. They thought to work with the County Flood Control on a permanent solution on making that whole flood basin road work improvement for \$300,000. Since it's in one of the Redevelopment Project areas, they have asked Robb Steel, Economic Development Director to look at that scenario.

City Administrator Garcia stated that he looks forward to a great 2005 and they have fantastic projects and challenges ahead of them.

City Administrator Garcia expressed his appreciation and thanks to the camera crew.

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Council Member Robertson asked Mr. Garcia to add in their review of the Carter High situation, Casa Grande and Locust Avenues where they need a stop sign or student crossing.

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City Administrator Garcia stated that they would be more than happy to.

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ADJOURNMENT

Motion by Council Member Hanson, second by Council Member Robertson and carried by unanimous vote to adjourn the meeting. The City Council adjourned at 8:15 p.m.

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MAYOR GRACE VARGAS

ATTEST:

CITY CLERK BARBARA A. McGEE, CMC